

Together With



SUMMER 2003

A PUBLICATION OF THE TENNESSEE DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT

What's New?

Change to Workplace Chemical List Requirements

The Tennessee Hazardous Chemical Right-to-Know Law requires that employers prepare a list of hazardous chemicals present in the workplace. On the list must be each product name with all hazardous ingredients from the material safety data sheets listed, along with the quantity of the chemicals on hand. Previously it was required that each manufacturing employer and some non-manufacturing employers submit their list to TOSHA, with an annual update.

The law was recently amended to require the list be submitted to TOSHA "within 96 hours of request by an authorized representative of the commissioner."

In short, employers must now submit their Workplace Chemical Lists to TOSHA ONLY when specifically requested to do so by a TOSHA representative. All other requirements of the Tennessee Hazardous Chemical Right-to-Know Law remain in effect.

This change continues to allow public access to chemical hazard information when needed, but reduces processing costs and improves the manner in which this information is managed. For additional information or answers to questions you may have about the Tennessee Hazardous Chemical Right-to-Know Law, call Mike Maenza, TOSHA Manager of Standards and Procedures, at 615-741-7036.

SARS ALERT

The Occupational Safety and Health Administration is providing information on Severe Acute Respiratory Syndrome (SARS) that may be useful for employers and employees. The information is available on the agency's website at www.osha.gov. Information includes a PowerPoint presentation that employers may find useful in discussing the risks of SARS in the workplace, information about precautions to be taken in working with patients with SARS, and links to other agencies' fact sheets, guidance and information on SARS, including the Centers for Disease Control (CDC) and the National Institute for Occupational Safety and Health (NIOSH).

As more information about SARS becomes available, OSHA will add to its webpage.

ASK TOSHA

Must titers be run when Hepatitis B vaccinations are given? Yes.

Anyone with ongoing risk of percutaneous injury who received the Hepatitis B vaccination after November 7, 2001, should have been offered the titer. The titer for anti-Hepatitis B surface antigen (antibody) should be run 1-2 months after completion of the three-dose vaccination series. Persons who do not respond to an initial three-dose series have a 30%-50% chance of responding to a second three-dose series.

Therefore, persons who do not respond to the primary vaccination series should complete a second three-dose vaccine series or be evaluated to determine if they are Hepatitis B surface antigen-positive. Revaccinated persons should have another titer run at the completion of the second vaccine series. Periodic titers to monitor antibody concentrations after completion of the vaccine series are not recommended.

Safety at Work is No Accident



TENNESSEE SAFETY AND
HEALTH CONGRESS

**REGISTER
TO ATTEND**
(615) 741-7143

July 20-23, 2003

Gaylord Opryland Resort, Nashville



Together with TOSHA is the newsletter of the Division of Occupational Safety and Health.

James G. Neeley
Commissioner

John Winkler
TOSHA Administrator

Andrew Johnson Tower
3rd Floor
710 James Robertson Pkwy.
Nashville, TN 37243-0659

(615)741-2793
FAX (615)741-3325

Accident Reporting
1-800-249-8510
TDD
1-800-475-1351

www.state.tn.us/labor-wfd

Editor Sandra Bennett
Layout & Design Jeff Hentschel

Comments and suggestions are welcome. Inquiries regarding Together With TOSHA should be directed to the TOSHA Division Training Section: (615)741-5726



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TOSHA TIPS ²

Condition: Compressed gas cylinder stored near elevator, gangway or in location where heavy moving object could strike or fall on it. If provided, valve protection caps should be kept on cylinders in storage.

Potential Effects: Leg and foot injuries, shrapnel injuries, and burns, from cylinder falling and becoming a projectile or exploding.

Citation: 29 CFR 1910.101(b); Section 3.3.8 Compressed Gas Association pamphlet P-1-1965.

Recommended Action: Compressed gas cylinders should not be stored near exits, stairways, or in areas normally used, or intended to be used, for the safe exit of people. Designate a specific area for storage of cylinders. Cylinders should be located so as to minimize exposure to excessive temperature, physical damage or tampering. Empty containers should be stored outside. If stored inside, however, they should be considered full, and protected from damage.

Video Update

TOSHA's video on bloodborne pathogens will be available in time for the 2003 Tennessee Safety and Health Congress. Visit the TOSHA booth and get a preview of the video. Designed to assist with training employees to meet TOSHA guidelines, it will be available for purchase at a nominal charge after August 1, 2003, from the TOSHA publications office. You may purchase by check, money order, or purchase order. TOSHA does not accept cash or credit cards. The videos on Hazard Communication and Special Emphasis Programs continue to be available.

General Industry and Construction Trainer Classes

Course #'s: OTI 500 (Construction), OTI 501 (General Industry)
When: August 11-15, 2003
Where: Holiday Inn Opryland/Airport, Elm Hill Pike, Nashville, TN
Cost: \$725.00
Registration: www.cis.utk.edu or www.gtconted.org
Why: To become an OSHA approved instructor for OSHA 10-Hour and 30-hour General Industry or Construction Courses

WHEN THE COMPLIANCE OFFICER ARRIVES

When the compliance officer arrives, unannounced, at the facility to be inspected he or she will immediately identify themselves to the receptionists and ask to see the CEO, plant manager, or top official on site.

(Tip: Provide the receptionist with a list of key personnel so he/she will know who to call.)

The CEO or key personnel should greet the inspector, and participate in the opening conference. Other key personnel such as the plant manager, safety and health manager, and union representative should also be invited to participate in the opening conference. The compliance officer will present his/her official TOSHA credentials to everyone present. If no management official is present, a phone call can be made to the official to request his/her presence during the inspection. However, the delay to begin the inspection should not exceed one hour. If the management official cannot be located, the physical inspection will proceed.

Programmed inspections will be deferred during a labor dispute between a recognized union and the employer or between two unions competing for

bargaining rights. Unprogrammed inspections such as employee complaints will be performed during labor disputes. If a picket line is present, the compliance officer is requested to inform the union official of the purpose of the inspection prior to the inspection.

An employer may either consent to the inspection or require TOSHA to obtain a search warrant from a court prior to an inspection. A general contractor of a multi-employer worksite can validly consent to an inspection of the entire work site. If the employer refuses entry, the compliance officer will leave and return with a warrant. Warrants are usually obtained from the court within several hours. The inspection normally begins within 24 hours after the compliance officer receives the warrant. Failure of the employer to allow the inspection after a warrant has been presented may constitute contempt of court.

(Tip: Refusal of entry is an employer's right. However, it is probably in your best interest to be courteous to the compliance officer even if you decide to refuse entry.)

The next edition will discuss what will happen during an opening conference.

Revisions to Respiratory Protection Standard

On June 6, 2003, OSHA issued two proposed rules to enhance worker protections from respiratory hazards on the job. Under the proposal, the respiratory protection standards, 29CFR 1910.134 and 29CFR 1926.103 will be amended to include a new fit testing protocol and to incorporate new Assigned Protection Factors (APFs) for respiratory protection devices.

The proposed fit testing protocol is referred to as a controlled negative pressure (CNP), which required three different test exercises followed by two redonnings of the respiratory. The current CNP protocol specifies eight test exercises, including one redonning of the respirator.

APFs are numbers that reflect the workplace level of respiratory protection that respirators are expected to provide to employees. The proposal contains OSHA's preliminary decisions on an APF table, definitions for APFs and Maximum Use Concentrations, and amendments to replace the existing APF requirements in OSHA's substance-specific standards.

OSHA is seeking comments from interested parties on both proposals by September 4, 2003. Written comments (10 pages or fewer) can be faxed to OSHA's Docket Office at (202) 693-1648 or sent electronically to <http://ecomments.osha.gov>. Three copies of written comments and attachments must be submitted to the OSHA Docket Office, Docket H-049C (APF) or H-049D (CNP), Room N-2625, U.S. Department of Labor, 200 Constitution Ave., Washington, DC, 20210. Further information on submitting comments can be obtained by calling the Docket Office at (202) 693-2350.

LEARN & LIVE

A TOSHA CASE FILE SUMMARY



A 45-year old employee was killed while applying a water-based adhesive primer onto wood sub-floors before applying a gypsum/concrete material. The spray apparatus was a 95-gallon air compressor receiver which had been converted into a sprayer. The tank was pressurized to approximately 120 psi. Primer and water were poured into the tank through a 6-inch diameter fill cap on top of the tank. There was no safety relief valve or pressure gauge on the tank.

At the end of the day, one employee opened the air bleed-off valve on the tank. The victim began to release the latches on the fill cap in order to add more water to the tank in preparation for completing the job the next day. The pressure inside the tank propelled the fill cap and struck the victim in the right temple.

To prevent this accident from happening:

1. Initiate and maintain a program that provides for frequent and regular inspections of the job site, materials, and equipment to be made by competent persons.
2. Instruct each employee in the recognition and avoidance of unsafe conditions and regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury.
3. Maintain current and valid certification by an insurance company or regulatory authority regarding the safe installation, inspection, and testing of pressure vessels.

"Together with TOSHA"
TN Dept. of Labor & Workforce Development
710 James Robertson Parkway
Andrew Johnson Tower, 3rd Floor
Nashville, TN 37243-0659